

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 369aaa

50th Legislature, 1st Session, 2011

Tracking Number: .183733.3

Short Title: Public Records Provisions Reorganization

Sponsor(s): Senator David Ulibarri and Representative James R. J. Strickler and Others

Analyst: Pamela Herman

Date: March 15, 2011

AS AMENDED

The Senate Floor amendments add a new section relating to the payment of fees to county clerks to require:

- a county clerk to collect a \$10 filing fee for a document under certain circumstances; and
- that of that fee, \$3 be deposited in the county General Fund and \$7 in the county clerk Recording and Filing Fund.

The Senate Judiciary Committee amendments:

- clarify that “protection personal identifier information” means a full social security number, not just all but the last four digits of the number; and
- in the definition of “homestead,” provides that the value of the property be based on the full value as assessed for property tax purposes not to exceed \$500,000, rather than \$100,000.

The Senate Public Affairs Committee amendments:

- delete language creating an exemption from public inspection for protected personal identifier information;
- permit a public body (which includes school districts and higher education institutions) to redact protected personal identifier information from public records prior to inspection or copying; and
- clarify that the remaining parts of a redacted record are not exempt from public inspection.

Original Bill Summary:

SB 369 amends provisions of the *Inspection of Public Records Act* and other statutes that address access to public records. Certain of these changes concern public and higher education.

Among those provisions, SB 369:

- adds an exemption from public inspection for protected personal identifier information contained in public records;

- prohibits posting unredacted records that contain such information on a publicly accessible website; and defines “personal identifier information” to mean:
 - all but the last four digits of a social security number, taxpayer identification number, financial account number, or driver’s license number; and
 - all but the year of a person’s birth; and
- deletes from the *Inspection of Public Records Act*, and re-enacts as a new section in the chapter dealing with institutions of higher education, provisions regarding presidential searches, including:
 - the exception to the right of public access for information regarding the identity of and information about an applicant or nominee for president; and
 - requirements for public notice about a governing board meeting to take final action on the selection of a president.

Fiscal Impact:

SB 369 does not contain an appropriation.

Fiscal Issues:

The Legislative Finance Committee Fiscal Impact Report (FIR) indicates that SB 369 may have an impact on county clerks and the judiciary. No fiscal impact is identified for public or higher education.

Substantive Issues:

According to the Taxation and Revenue Department (TRD) bill analysis, current law requires a records custodian to redact exempt information from public records before making them available for public inspection. TRD states that the provision in SB 369 prohibiting posting of records containing unredacted information. TRD states that this may create an inconsistency in law.

Related Bills:

- CS/SB 52a *Electronic Copies of Public Records*
- SB 271a *Inspection of Public Records Act Penalties*
- CS/HB 160 *Public Records Availability and Procedures*
- HB 368 *Inspection of Public Records*
- HB 379a *Real Time Sunshine Portal Updates*